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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,757	10/29/2003	Kyungwoo Kim	117271	5762

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EXAMINER	
BRIGGS, NATHANAEL R	

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
06/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,757

Applicant(s)

KIM ET AL.

Examiner

Nathanael R. Briggs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 6,532,152).**

4. Regarding claim 1, White discloses a touch panel apparatus (see figures 3A-D, for instance) comprising: a liquid crystal display device including a liquid crystal section (114), an illuminating section (column 11, lines 55-63) disposed at a rear side of said liquid crystal section (114) for illuminating said liquid crystal section (114), and a frame section (302) disposed on an outer periphery (336) of said liquid crystal section (114); a transparent resistive membrane type (column 7, lines 15-20) of touch panel (212) disposed at a front side of said liquid crystal display device; and a spacer member (300) disposed between said frame section (302, 336) of said liquid crystal display device and a periphery of said touch panel (212) for defining a clearance between said liquid crystal

section (114) of said liquid crystal display device and said touch panel (212); wherein said spacer member (300) covers an area from a front surface of said frame section (336) of said liquid crystal display device to a periphery of a front surface of said liquid crystal section (114) while maintaining said clearance between said liquid crystal section (114) and said touch panel (212). Claim 1 is therefore unpatentable.

5. Regarding claim 2, White discloses the touch panel apparatus according to claim 1 (see figures 3A-D, for instance), wherein a portion of said spacer member (300) that covers said liquid crystal section (114) is provided in a rear surface with a recess for defining a clearance between said spacer member (300) and said liquid crystal section (114). Claim 2 is therefore unpatentable.

6. Regarding claim 3, White discloses the touch panel apparatus according to claim 1 (see figures 3A-D, for instance), wherein a portion of said spacer member (300) that covers said liquid crystal section (114) is provided in a front surface with a recess for defining a clearance between said spacer member (300) and said touch panel (212). Claim 3 is therefore unpatentable.

7. Regarding claim 4, White discloses the touch panel apparatus according to claim 1 (see figures 3A-D, for instance), wherein said spacer member (300) is formed to expose only a display area on a front surface of said liquid crystal section (114) and to cover a periphery of said front surface. Claim 4 is therefore unpatentable.

8. Regarding claim 5, White discloses the touch panel apparatus according to claim 1 (see figures 3A-D, for instance), wherein a lower positioning wall (356) projects from a rear surface of said spacer member (300) to engage an outer peripheral side surface of

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said frame section (302, 336) of said liquid crystal display device, thereby positioning said frame section (302, 336) with respect to the rear surface of said spacer member (300). Claim 5 is therefore unpatentable.

9. Regarding claim 6, White discloses the touch panel apparatus according to claim 1 (see figures 3A-D, for instance), wherein an upper positioning wall projects from said front surface of said spacer member (300) to engage an outer peripheral side surface of said touch panel (212), thereby positioning said touch panel (212) with respect to the front surface of said spacer member (300). Claim 6 is therefore unpatentable.

10. Regarding claim 7, White discloses the touch panel apparatus of claim 1 (see figures 3A-D, for instance), wherein said spacer member (300) is spaced away from the liquid crystal section (114). Claim 7 is therefore unpatentable.

11. Regarding claim 8, White discloses the touch panel apparatus of claim 2 (see figures 3A-D, for instance), wherein a distal end of the rear surface of said spacer member (300) is concaved. Claim 8 is therefore unpatentable.

12. Regarding claim 9, White discloses the touch panel apparatus of claim 3 (see figures 3A-D, for instance), wherein a distal end of the front surface of said spacer member (300) is tapered. Claim 9 is therefore unpatentable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathanael R. Briggs whose telephone number is (571) 272-8992. The examiner can normally be reached on 9 AM - 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathanael Briggs
6/22/07


ANDREW SCHECHTER
PRIMARY EXAMINER